

February 28, 2025



TESTIMONY ON SB 702/HB 647

Position: SUPPORT (FAV)

TO: Judiciary Committee Chair Luke Clippinger, and Members of the Committee

FROM: Quaker Voice of Maryland, by Barbara Bezdek (Baltimore 21210)

I write as a constituent, and on behalf of Quaker Voice of Maryland, a faith-based advocacy group grounded in the faith values of the Religious Society of Friends. We are active in our public witness and advocacy for State laws that more closely reflect these values –shared not just among Quakers, but also among people of many faiths and persuasions. Quakers across Maryland told us that state prison practices are deeply concerning and should be changed to better protect Maryland’s people and to find a firmer moral foundation. We offer testimony on these bills because we are concerned by the continued expansive use of solitary confinement and the consequences of this practice.

Quaker Voice of Maryland strongly **supports** passage of SB 702/HB 647, legislation to limit the use of restrictive housing in State incarceration facilities. These are identical, cross-filed bills to restrict the use of solitary confinement in Maryland’s correctional facilities. The lead sponsors of this legislation are Senator Sara Love and Delegate N. Scott Phillips.

This legislation wisely limits the amount of time a person may be forced into any form of restrictive housing in Maryland prisons. It also limits the bases on which particularly vulnerable individuals can be placed in restrictive housing. Restrictive housing - aka solitary confinement - causes very specific trauma for those subjected to it. Solitary confinement is defined by the United Nations as the confinement of prisoners for more than 22 hours a day without meaningful human contact, typically in a tiny cell. Prolonged solitary confinement of more than 15 consecutive days is regarded as a form of torture -- by the UN, the international community and the National Alliance on Mental Illness. This is torture of our own citizens here in Maryland, not in a remote place like Guantanamo Bay or Abu Ghraib (equally horrible but more in the public eye).

As Quakers, we have a strong belief in the possibility of positive transformation within each person. Many Quakers have a long history of involvement in correctional facilities throughout the country, including in Maryland, with the Alternatives to Violence Project, that gives us direct experience of such transformation. We believe that the way we treat people affects their ability to connect with that of God within each one of us. What is more, expert criminologists have

demonstrated that solitary confinement is not an effective tool for rehabilitation, and alternatives exist.

Quakers are often credited with inventing solitary confinement. Actually, we borrowed the idea from other faith leaders in the 18th century, who promoted quiet reflection as an alternative to the widespread use of the death penalty and an improvement over other punishments which maimed, debased and otherwise utterly humiliated accused criminals. It is past time for Maryland to restrict its hideous practices of “restrictive housing.” The staff decision to isolate the incarcerated individual, with no meaningful opportunity for appeal, results in a significant percentage of inmates serving out their entire sentence in isolation, and then are released directly to the street, without any education, training or support, and without human contact over the last several years.

Restrictive housing inflicts trauma - which is not part of the lawful sentence imposed by any judge. It results in serious, often permanent, psychological (and sometimes physical) damage to persons. **This legislation would limit the use of restrictive housing to periods that are at least not within the “torture” range** – no more than 15 consecutive days or 20 days in a 60-day period. Sadly, shamefully, Maryland is one of the laggards in the US in striving to humanize state prison practices and conditions.

Testimony on the companion Senate bill vividly conveyed that here in Maryland, “restrictive housing” is all too commonly used as an extra-judicial punishment, imposed in lieu of mental health treatment for prisoners who exhibit symptoms, and extended confinement in solitary cells induces PTSD, whether or not a prisoner entered solitary with a mental health condition. It is easy for prison staff to put someone into restrictive housing, and virtually impossible to get out. The more that solitary is used, the more

The detrimental effects of “restrictive housing” cannot be overstated. Together with Interfaith Action for Human Rights, we ask you to approve this legislation for moral and for pragmatic reasons.

- **Solitary Confinement is cruel, but not unusual in Maryland.**
- **Solitary Confinement Costs More.** Housing people in solitary confinement costs more than housing them in prison generally. Restricting the use of solitary saves money. For example, Mississippi saved \$8 million after 2010, and Illinois saved \$26 million after 2013. In 2016-2017, California’s Department of Corrections and Rehabilitation budget was projected to decrease by \$28 million if limitations were imposed on the use of solitary (Rodriguez, 2016).
- **Isolated Persons Suffer.** Incarcerated persons placed in restrictive housing suffer physical and psychological harms, as psychosis, trauma, severe depression, serious self-injury, or suicide. These effects are both short and long term, persisting for years (or an entire lifetime) even after a person is released from incarceration.

- **Families Suffer.** When an individual is in restrictive housing, that person is generally banned from getting visits and calls from family. This not only punishes families, it breaks down the family ties that are crucial to supporting people when they return home (re-entry).
- **Communities Suffer.** Research shows that time spent in solitary may increase people's likelihood of post-release offending, especially violent re-offending. This is even worse when incarcerated people are released directly from restrictive housing into the community, causing a serious threat to public safety.

Unfortunately, **two essential elements are missing from SB 702/HB 647** – and Quaker Voice urges they be amended to require the Department of Public Safety and Corrections to study and report by year's end: Specifically, how DPSC will implement 1) a mandate for out-of-cell time—we suggest 4 hours per day– and 2) at least some programming for those in restrictive housing. Both are essential to mitigate the trauma inflicted by restrictive housing on individuals imprisoned, and the harm that plays out on families and communities when they return.

In Fiscal Year 2022, which is still the most recent year for which data have been released by the Department of Public Safety and Correctional Services:

- Individuals were subjected to solitary nearly 12,000 times.
- A startling 25.8% of the prison population was placed in solitary at least once during the year.
- The average length of stay in solitary confinement was 42.5 days.
- The use of solitary confinement increased by 39%.
- There are significant racial disparities in the imposition of solitary confinement.
- Although the U.N. Special Rapporteur on Torture has found that mentally ill persons should never be placed in restrictive housing, 370 people with serious mental illness were placed in restrictive housing in Maryland.
- 135 people were released directly to the community, after spending an average of 59 days in restrictive housing.

Given these stark realities, it is imperative for Maryland to take decisive action to curtail the use of solitary confinement. The legislation presents an opportunity for our state to align with the growing number of states that have substantially restricted solitary confinement practices.

We urge you to prioritize the passage of HB 647 and SB 702. Please take this stand to uphold human rights and contribute to the creation of a more just and humane correctional system in Maryland. Make our people and our communities safer for everyone while saving the taxpayers money.

Thank you in advance for your support of this crucial legislation.